

Alex B. Hernandez, III  
Federal Defenders of Eastern Washington & Idaho  
306 E. Chestnut Ave.  
Yakima, WA 98901  
(509) 248-8920

Attorney for Defendant  
Clyde Isaac Kelly

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
The Honorable Stanley A. Bastian

United States of America,

Plaintiff,

v.

Clyde Isaac Kelly,

Defendant.

No. 1:25-CR-2001-SAB

**Defendant's Sentencing  
Memorandum**

**I. Base Offense Level and Enhancements.**

Mr. Kelly does not object to the guideline calculations in the PSIR. [ECF No. 23]. However, Mr. Kelly provided additional information to the probation officer that did not impact the guideline calculations.

**II. Departures.**

Mr. Kelly is not seeking a downward departure.

### III. Sentencing Under 18 U.S.C. § 3553(a)

When sentencing an individual, a sentencing court is directed to “impose a sentence sufficient, but not greater than necessary to accomplish the goals of sentencing.” *Kimbrough v. United States*, 128 S.Ct 558, 570 (2007). Considering the sentencing factors, a sentence of 18 months and three (3) years of supervised release for Mr. Kelly is sufficient to meets the goals of sentencing. The defense is also recommending a sentence of six (6) months in Cause No. 1:22-CR-2070-SAB to run consecutive to this case for a total sentence of 24 months for both cases.

#### 1. Nature and Circumstances of the Offense.

Mr. Kelly and his sibling got into an altercation at their residence. Mr. Kelly and his brother were involved in an argument that led to a physical confrontation. At the time, Mr. Kelly had been drinking. Mr. Kelly’s parents separated the brothers, and the police were called to the residence. The police were told Mr. Kelly had a gun, which was located in the residence. Mr. Kelly’s father explained to the officers that Mr. Kelly “had the firearm as a form of protection from the gangs who had issues with him.” [ECF No. 23, Para. 15]. Considering the nature and circumstances of the offense, a sentence of 18 months imprisonment and three (3) years of supervision is sufficient.

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## 2. History and Characteristics of Mr. Kelly.

The Court must also consider Mr. Kelly's history and characteristics when determining an appropriate sentence. Mr. Kelly is almost 25 years old and has now picked up his second federal felony for being a felon in possession of a firearm. The reason Mr. Kelly possessed the gun was for protection. Mr. Kelly's father explained to the officers that Mr. Kelly kept the firearm for protection from gangs. [ECF No. 23 at Para. 15]. Mr. Kelly also stated he had the gun for protection because of a death threat he received. *Declaration of Defense Counsel in Support of Sentencing Memorandum* ("Dec."); *Exhibit A- Letter from Clyde Isaac Kelly*. Mr. Kelly felt he needed the gun for his and his parent's safety. *Id.*

Mr. Kelly understands he committed a serious offense and is facing a term of imprisonment. But since his last offense Mr. Kelly has been trying to do better. According to him, Mr. Kelly did better on federal supervision than he had in prior terms of supervision when he was younger. *Id.* This time, Mr. Kelly plans to make more changes so he has a better chance of success on supervision. Mr. Kelly is committed to relocating to a different city to avoid confrontations with other individuals and obtain employment when he's released from custody. *Id.*

To have a chance to succeed, Mr. Kelly also needs to abstain from alcohol use and participate in mental health counseling. This offense involved alcohol use and Mr. Kelly has struggled with mental health issues for many years. In 2022, he was

1 hospitalized three times for anxiety related symptoms. [ECF No. 23 at Para. 87-90].  
2 Mr. Kelly attempted to follow-up with mental health services in March of 2024, but  
3 according to Mr. Kelly, his insurance was not accepted. *Id.* at Para. 91.  
4

5 Mr. Kelly is still a young man who has dreams of leading a better life. *Dec.:*  
6 *Exhibit A.* His goals are to obtain his GED, get a job and live in his own apartment.  
7 *Id.* Mr. Kelly can accomplish these goals; he just needs to live somewhere other than  
8 Yakima and have some structure in his life. Mr. Kelly believes he's already taken steps  
9 towards achieving these goals by dropping out of gang life, "chang[ing] [his] life for  
10 God," and being "ready for a new life." *Dec.:* *Exhibit A.* These initial steps towards  
11 accomplishing his goals are significant for someone like Mr. Kelly, who's history  
12 shows someone who struggled in school, used drugs and alcohol at an early age,  
13 experienced mental health issues, and was involved in a gang. Mr. Kelly, though,  
14 appears determined to move past his history and start living a better life.  
15  
16

17 Therefore, considering Mr. Kelly's history and characteristics, a sentence of 18  
18 months imprisonment and three (3) years of supervised is sufficient but not greater  
19 than necessary to meet the goals of sentencing.  
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Defendant's Sentencing  
Memorandum: 4

1 Dated: June 19, 2025.

2 Respectfully Submitted,

3 s/Alex B. Hernandez, III

4 Alex B. Hernandez, III, 21807

5 Attorney for Clyde Isaac Kelly

6 Federal Defenders of Eastern

Washington and Idaho, Attorneys for

7 306 East Chestnut Avenue

8 Yakima, Washington 98901

(509) 248-8920

(509) 248-9118 fax

9 [Ben\\_Hernandez@fd.org](mailto:Ben_Hernandez@fd.org)

CERTIFICATE OF SERVICE

I certify that on June 19, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to: Thomas J. Hanlon, Assistant United States Attorney, and Daniel M. Manning, United States Probation Officer.

s/Alex B. Hernandez, III  
Alex B. Hernandez III, 21807  
Attorney for Clyde Isaac Kelly